

REMARKS

In the Office Action mailed March 17, 2009, the Office noted that claims 8-13 were pending and rejected claims 8, 9 and 11-13. Claims 8-10, 12 and 13 have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 8-13 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

ALLOWABLE SUBJECT MATTER

The Office has indicated that claim 10 would be in a condition for allowance if re-written in independent form. The Applicants thank the Office for the consideration given the claims and submit that the claims are allowable for the reasons discussed below.

CLAIM OBJECTION

Claims 9 and 10 stand objected to for informalities. In particular, the Office asserts that claim 9 is improperly dependent and claim 10 contains a typographical error. The Applicants have amended the claims to overcome the objection.

Withdrawal of the objections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 8, 9 and 11-13 stand rejected under 35 U.S.C.

§ 103(a) as being obvious over Maruyama, U.S. Patent No. 6,421,314 in view of Asada, U.S. Patent No. 7,038,989. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

A feature of the present invention is that the high frequency superimposing unit changes the level of the high frequency signal at the time of reproduction to the level of the high frequency signal at the time of recording at a predetermined time period before transition of the control unit from a reproduction state to a recording state.

In order to emphasize this feature, the Applicants have amended the independent claims to recite, for example, "wherein the high frequency superimposing unit changes the level of the high frequency signal **at the time of the reproduction to the level of the high frequency signal at the time of recording** at a timing a predetermined time period before transition of the control unit from a reproduction state to a recording state," as in claim 8. Support for the amendment may be found, for example, in Fig. 8 and ¶¶ 0062-0064 of the printed publication version of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

Accordingly, the effect to the recording characteristic of the transient response can be removed (see ¶ 0064).

On page 3 of the Office Action, the Office acknowledges that Maruyama does not disclose "wherein the high frequency

superimposing process ... to a recording state," as in claim 8, but asserts that Asada, col. 8, lines 20-27, Fig. 13, items Thf1\_off, Thf1\_on, Thf2\_n, Thf2\_off does.

However, Asada fails to teach or suggest that the high frequency superimposing unit changes the level of the high frequency signal at the time of reproduction to the level of the high frequency signal at the time of recording. In the Asada reference, the superimposition of a high-frequency component is only stopped for the Thf1\_off time preceding the mark recording start timing. By the techniques discussed in Asada, the effect to the recording characteristic of the transient response cannot be removed.

Further, Maruyama does not compensate for the deficiency of the Asada reference.

Claims 12 and 13 recite similar features to claim 8. For at least the reasons discussed above, Maruyama and Asada, taken separately or in combination, fail to disclose the features of claims 8, 12 and 13 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 8-13 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the

prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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